

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Chiu, et al.

Serial No.: 07/525,943

Filed: May 17, 1990

For: BULKING AGENTS AND PROCESSES
FOR PREPARING THEM FROM FOOD
GUMS

Group Art Unit: 1302

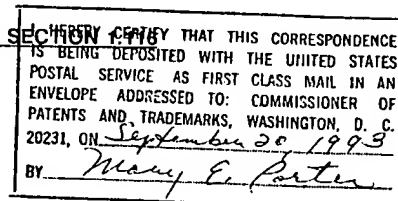
Examiner: J. Gollan

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AMENDMENT UNDER 37 C.F.R. SECTION 1.116

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:



This amendment is submitted in response to a Final Office Action mailed April 20, 1993, in the above-captioned patent application.

Claims 29-42 are pending in the application. Claims 36-42 have been withdrawn from consideration as directed to a non-elected invention. Claims 29-35 stand rejected under 35 USC Section 102(e) over U.S. Patent No. 4,971,814, issued November 20, 1990 to Tomita, et al., ("Tomita"). Claims 29-35 also stand rejected under 35 USC Section 103 over Tomita. Finally, Claims 29-35 stand rejected under 35 USC Section 103 over U.S. Patent No. 3,901,874, issued August 26, 1975 to Hill ("Hill") in view of European Patent Application Publication No. 0 301 440, published February 1, 1989, by Barnett, et al., ("Barnett").

Applicants respectfully traverse the Examiner's rejections.

REMARKS

Rejection under Section 102(e)

In response to the Examiner's Section 102(e) rejection over the Tomita reference, Applicants repeat their previous remarks submitted herein in prior amendments. In summary, Tomita makes no disclosure with respect to viscosity which is a critical limitation of Applicants' claimed invention and Tomita makes no generic disclosure with respect to hydrolyzed food gums useful as bulking agents. The only food gum hydrolysate disclosed in the Tomita reference is a glucomanan polysaccharide (i.e., konjac gum).

Rejection under Section 103 over Tomita

Applicants claim certain edible formulations comprising bulking agents prepared from a group of food gums selected for their chemical properties, functional properties and patentability over the art. The art simply does not suggest that a group of food gums may be processed in the manner of Applicants'